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COMMISSION ON HUMAN RIGHTS
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Discrimination and Protection
of Minorities
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Item 1 (c) of the provisional agenda

ORGANIZATION OF WORK: METHODS OF WORK OF THE SUB-COMMISSION

Working paper on methods of work of the Sub-Commission prepared by
Mr. Ribot Hatano pursuant to Sub-Commission decision 1996/114

1. At its forty-eighth session, the Sub-Commission, in its decision 1996/114, mindful of the need for and merit of having a consolidated set of the rules of procedure that are fully applicable to it, decided to entrust Mr. Ribot Hatano with the task of preparing, without financial implications, a working paper relating to the methods of work of the Sub-Commission, to be submitted to it at its forty-ninth session as a basis for discussion, which would contain:

(a) A compilation of the existing guidelines, decisions and any other instruments applicable to the procedures of the Sub-Commission;

(b) A list of the procedural questions which need to be resolved by the Sub-Commission.

2. The present document is submitted pursuant to decision 1996/144.

Introduction

3. The whole body of the rules of procedure of the Sub-Commission on Prevention of Discrimination and Protection of Minorities is mainly composed of four elements:

(a) The rules of procedure of the functional commissions of the Economic and Social Council;

(b) The Guidelines annexed to Sub-Commission resolution 1992/8 supplemented by the recommendations of the sessional working group established by the Sub-Commission at its forty-sixth session (E/CN.4/Sub.2/1994/3);

(c) Piecemeal decisions of the Sub-Commission;

(d) Practice of the Sub-Commission.

4. The skeleton of this "compilation" is, of course, the rules of procedure of the functional commissions of ECOSOC, since they have binding force upon the Sub-Commission. On the one hand, however, those rules are not fully applicable to the Sub-Commission, since they presuppose functional commissions composed of representatives of Governments, while the Sub-Commission is composed of independent experts appointed in their personal capacity. Therefore, the author has replaced some words (such as "representative" and "commission") with other words (such as "members" and "Sub-Commission") and also made small changes in wording without altering the substance. On the other hand, the rules are inadequate to cover all the aspects of the Sub-Commission's work. Therefore, the author has fleshed them out with Guidelines, decisions and practices, and added several new chapters at the end.

5. The second basic document was the Guidelines concerning its methods of work which the Sub-Commission adopted at its forty-fourth session pursuant to paragraphs 6 and 7 of Commission on Human Rights resolution 1992/66. These Guidelines were the outcome of an inter-sessional working group chaired by Mr. Louis Joinet, in which the author had the privilege to participate. The author has reproduced them faithfully in the present compilation, although the order has been changed in accordance with that of the rules of procedure.

6. Decisions of the Sub-Commission concerning its procedures have been taken from the reports on its 1988-1996 sessions. Those decisions which are binding upon future sessions are preceded by the symbol *, while those decisions which are binding only upon a specified session are preceded by the symbol +.

7. "Practices", preceded by the symbol #, are the most debatable part of this compilation, not only because they are ambiguous by nature, since they have not been written down, but also because they are quite changeable. For example, alternates had not been permitted to join the consideration of the 1503 procedure together with the respective experts until this practice was changed by a ruling of the Chairperson in 1996 to which no objection was raised.

8. For the convenience of users, those guidelines, decisions and practices which relate to more than one subject are included under all subjects concerned. For example, a decision providing for the time limit for the right of reply is reproduced both under "speaking time" and "right of reply".

I. DRAFT COMPILATION OF RULES OF PROCEDURE, GUIDELINES
AND PRACTICES APPLICABLE TO THE SUB-COMMISSION

I. SESSIONS

Rule 1 (Number of sessions)

Unless the Economic and Social Council (the Council) decides otherwise, the Sub-Commission shall hold a session annually.

Rule 2 (Date of opening)

1. The date of opening of each session of the Sub-Commission shall be fixed by the Council, taking into account any recommendation of the Sub-Commission and in consultation with the Secretary-General.

2. In exceptional cases, the date of opening of a session may be altered by the Secretary-General in consultation with the Committee on Conferences of the General Assembly and, whenever practicable, with the Chairperson of the Sub-Commission.

It has been an established practice of the Sub-Commission:

(a) That the opening date of each session should be either the last Monday of July or the first Monday of August;

(b) To observe, at the commencement of each session, a minute of silence in honour of victims of all forms of violations of human rights in all regions of the world.

Rule 3 (Place of sessions)

The session shall be held at the Headquarters of the United Nations unless another place is designated by the Council, taking into account any recommendation of the Sub-Commission and in consultation with the Secretary-General.

The sessions of the Sub-Commission have been held at the United Nations Office at Geneva.

Rule 4 (Notification of opening date of sessions)

The Secretary-General shall notify the members of the Sub-Commission of the date and place of the first meeting of each session at least six weeks in advance.

II. AGENDA

Rule 5 (Drawing up of the provisional agenda)

1. The Secretary-General, in consultation with the Chairperson whenever possible, shall draw up the provisional agenda for each session.

2. The provisional agenda shall include all items required by these rules as well as items proposed by:

- (a) The Sub-Commission at a previous session;
- (b) The General Assembly, the Economic and Social Council, the Security Council or the Trusteeship Council;
- (c) A Member of the United Nations;
- (d) A working group of the Sub-Commission;
- (e) The Chairperson;
- (f) The Secretary-General;
- (g) A specialized agency, subject to rule 72;
- (h) A non-governmental organization, subject to paragraph 4 of this rule.

3. Items proposed for inclusion in the provisional agenda pursuant to subparagraphs (c), (e), (f), (g) and (h) of paragraph 2 shall be submitted with basic documents in sufficient time to reach the Secretary-General not less than seven weeks before the first meeting of each session.

4. (i) Non-governmental organizations having general consultative status may propose items for the provisional agenda of the Sub-Commission provided that:

(a) An organization that intends to propose such an item shall inform the Secretary-General at least nine weeks before the commencement of the session, and before formally proposing an item shall give due consideration to any comments the secretariat may make.

(b) The proposal shall be formally submitted with basic documents not less than seven weeks before the commencement of the session.

(ii) An item proposed in accordance with the provisions of this paragraph shall be included in the agenda of the Sub-Commission if it is adopted by a two-thirds majority of the members present and voting.

Rule 6 (Communication of the provisional agenda)

1. The Secretary-General shall, not less than six weeks before the opening of the session, communicate the provisional agenda for a session of the Sub-Commission and transmit the basic documents related to each item appearing thereon to the Members of the United Nations, the President of the Security Council, the President of the Trusteeship Council, the specialized agencies, the intergovernmental organizations referred to in rule 74, the non-governmental organizations having general or special consultative status or on the Roster.

2. In exceptional circumstances, the Secretary-General may, for reasons to be specified in writing, transmit the basic documentation relating to items on the provisional agenda not less than four weeks before the opening of the session.

Rule 7 (Adoption of the agenda)

The Sub-Commission shall at the beginning of each session, after the election of its officers, in accordance with rule 15, adopt the agenda for that session on the basis of the provisional agenda referred to in rule 5.

Rule 8 (Revision of the agenda)

During a session, the Sub-Commission may revise the agenda by adding, deleting, deferring or amending items. Only important and urgent items shall be added to the agenda during the session.

Rule 9 (Draft provisional agenda for subsequent session)

At each session of the Sub-Commission, the Secretary-General shall submit a draft provisional agenda for the Sub-Commission's subsequent session, indicating in respect of each agenda item the documents to be submitted under that item and the legislative authority for their preparation, in order to enable the Sub-Commission to consider the documents from the point of view of their contribution to the work of the Sub-Commission and of their urgency and relevance in the light of the current situation.

III. REPRESENTATION

Rule 10 (Terms of office of members)

Unless the Council decides otherwise, the term of office of members, namely the experts and their alternates, of the Sub-Commission shall begin when they are elected at the election held biennially by the Commission on Human Rights and shall end when they are not elected at the election held four years later by the said Commission.

Rule 11 (Representatives)

Not applicable to the Sub-Commission

Rule 12 (Rights of representatives pending confirmation)

Not applicable to the Sub-Commission

Rule 13 (Alternates)

1. Each Member of the United Nations may designate an alternate to act in place of an expert to be elected together with the expert at the election provided for in rule 10. When acting as expert, the alternate so designated shall have the same status as an expert, including the right to vote.

2. Not applicable to the Sub-Commission.

- + It has been an established practice of the Sub-Commission that:

- (a) Alternates may attend all the meetings of the Sub-Commission, both public and private, together with their respective experts (Chairperson's ruling during the forty-ninth session in 1996);

- (b) As a rule, alternates will neither be elected as officers nor be nominated as special rapporteurs;

- (c) While experts are on the podium as Chairperson, Acting Chairperson or Rapporteur, their alternates may not take the seats of these experts on the floor.

Rule 14 (Advisers)

Not applicable to the Sub-Commission

- # It has been an established practice of the Sub-Commission that the members may be accompanied by their alternates and/or assistants as may be required.

IV. OFFICERS

Rule 15 (Election of officers)

1. At the commencement of its first meeting of a regular session the Sub-Commission shall elect, from among its members, a Chairperson, three Vice-Chairpersons without ranking, and a Rapporteur.
2. The Chairperson shall be elected in turns from the five geographic regions in accordance with the following order:
 - (a) Latin America (1997);
 - (b) Asia (1998);
 - (c) Africa (1999);
 - (d) Eastern Europe (2000);
 - (e) Western Europe (2001).
3. The Rapporteur shall be elected in turns from the five geographic regions in accordance with the following order:
 - (a) Western Europe (1997);
 - (b) Eastern Europe (1998);
 - (c) Asia (1999);

- (d) Latin America (2000);
- (e) Africa (2001).

Rule 16 (Term of office)

1. The officers of the Sub-Commission shall, subject to rule 19, hold office until their successors are elected.
2. As a rule, the Chairperson and Rapporteur shall not be eligible for re-election.
3. The Vice-Chairpersons shall be eligible for immediate re-election.

Rule 17 (Acting Chairperson)

1. If the Chairperson finds it necessary to be absent during a meeting or any part thereof, he or she shall designate one of the Vice-Chairpersons to take his or her place.
2. If the Chairperson ceases to hold office pursuant to rule 19, the remaining officers shall designate one of the Vice-Chairpersons to take his or her place until the election of a new Chairperson.

Rule 18 (Powers of the Acting Chairperson)

A Vice-Chairperson acting as Chairperson shall have the powers and duties of the Chairperson.

Rule 19 (Replacement of the Chairperson or other officers)

If the Chairperson or any other officer is unable to carry out his or her functions or ceases to be a member of the Sub-Commission, he or she shall cease to hold such office and a new officer shall be elected for the unexpired term.

Rule 20 (Voting rights of the officers)

The Chairperson shall have voting rights.

It has been an established practice of the Sub-Commission that:

(a) The Chairperson refrains from exercising his or her voting rights;

(b) The Vice-Chairpersons not acting as the Chairperson and the Rapporteur exercise their voting rights.

V. SUBSIDIARY ORGANS

Rule 21 (Establishment of committees and working groups)

1. During a session, the Sub-Commission may set up such working groups composed of members of the Sub-Commission as are deemed necessary and refer to them any questions on the agenda for study and report.
2. With the prior approval of the Council and in agreement with the Secretary-General such working groups may be authorized to sit while the Sub-Commission is not in session.
3. The members of working groups of the Sub-Commission shall be nominated by the Chairperson, at the recommendation of the five geographic regions and subject to approval of the Sub-Commission.

Rule 22 (Establishment of sub-commissions)

Not applicable to the Sub-Commission

Rule 23 (Officers)

Unless the Sub-Commission decides otherwise, its working groups shall elect their own officers.

- # It has been an established practice of the Sub-Commission to elect a Chairperson and a Rapporteur with the understanding that the Chairperson may serve concurrently as Rapporteur.

Rule 24 (Rules of procedure)

The rules of procedure of the Sub-Commission shall apply to the proceedings of its working groups insofar as they are applicable.

VI. SECRETARIAT

Rule 25 (Duties of the Secretary-General)

1. The Secretary-General shall act in that capacity in all meetings of the Sub-Commission. He may designate a member of the Secretariat to act as his or her representative.
2. He or she shall provide and direct the staff required by the Sub-Commission and be responsible for all the arrangements that may be necessary for its meetings.
3. He or she shall keep the members of the Sub-Commission informed of any questions that may be brought before it for consideration.

Rule 26 (Duties of the Secretariat)

The Secretariat shall:

- (a) Interpret speeches made at meetings;
- (b) Receive, translate and circulate documents;
- (c) Print, publish and circulate as appropriate the records of the sessions, the resolutions of the Sub-Commission and the required documentation;
- (d) Have custody of the documents in the archives; and
- (e) Generally perform all other work that may be required.

Rule 27 (Statements by the Secretariat)

The Secretary-General or his or her representative may, subject to rule 43, make oral as well as written statements to the Sub-Commission concerning any question under consideration.

Rule 28 (Estimates of expenditure)

1. Before a proposal involving the expenditure of United Nations funds is approved by the Sub-Commission, the Secretary-General shall prepare and provide to the Sub-Commission an estimate of the programme budget implications of implementing the proposal. The Chairperson shall draw attention to that estimate and invite discussion on it when the proposal is considered by the Sub-Commission.
2. Any programme budget proposal recommended by the Sub-Commission to the Council for its approval, through the Commission on Human Rights, must be stated in terms of the objectives to be achieved.

VII. LANGUAGES

Rule 29 (Official and working languages)

Arabic, Chinese, English, French, Russian and Spanish shall be the official languages, and English, French and Spanish the working languages of the Sub-Commission.

Rule 30 (Interpretation)

1. Speeches made in an official language shall be interpreted into the other official languages.
2. A speaker may speak in a language other than an official language if he or she provides for interpretation into one of the official languages. Interpretation into the other official languages by the interpreters of the Secretariat may be based on the interpretation given in the first such language.

Rule 31 (Languages of records)

Records shall be drawn up in the working languages. A translation of the whole or part of any record into any of the other official languages shall be furnished if requested by a member.

Rule 32 (Languages of resolutions and other formal decisions)

All resolutions, recommendations and other formal decisions of the Sub-Commission shall be made available in the official languages.

VIII. RECORDS AND REPORTS

Rule 33 (Sound recordings of meetings)

Sound recordings of meetings of the Sub-Commission shall be made and kept by the Secretariat. Such recordings may also be made and kept of the meetings of working groups if so decided by the Sub-Commission.

Rule 34 (Summary records of meetings)

No summary record of meetings of the Sub-Commission or its working groups shall be provided unless these have been specifically authorized by the Council.

Rule 35 (Records of public meetings)

1. Summary records of the public meetings of the Sub-Commission and its working groups, where authorized and required, shall be prepared by the Secretariat. They shall be distributed as soon as possible to all members of the Sub-Commission or of the working groups, and to any other participants in the meeting, who may, within one week of their receipt, submit corrections to the Secretariat; in special circumstances, the presiding officer may, in consultation with the Secretary-General, extend the time for submitting corrections. Any disagreement concerning such corrections shall be decided by the presiding officer of the body to which the record relates, after consulting, where necessary, the sound recordings of the proceedings. Corrections will be consolidated in a single corrigendum to be issued after the end of the session.

2. The summary records and the consolidated corrigendum thereto shall be distributed promptly to the Members of the United Nations and to the specialized agencies. On publication, these records may be consulted by the public.

Rule 36 (Records of private meeting)

The records of private meetings of the Sub-Commission shall be distributed promptly to the members of the Sub-Commission. They shall be made available to other Members of the United Nations upon decision of the Sub-Commission. They may be made public at such time and under such conditions as the Sub-Commission may decide.

Rule 37 (Reports to the Council)

The Sub-Commission shall submit to the Commission on Human Rights a report, which shall normally not exceed 32 pages, on the work of each session containing a concise summary of recommendations and a statement of issues requiring action by the Commission. It shall as far as practicable frame its recommendations and resolutions in the form of drafts for approval by the Commission.

Rule 38 (Communication of formal decisions and reports)

As soon as possible, the text of the formal decisions and reports adopted by the Sub-Commission shall be distributed to all members of the Sub-Commission and to any other participants in the session. The printed text of such decisions and reports shall be distributed as soon as possible after the close of the session to the Members of the United Nations, to the specialized agencies, to the intergovernmental organizations referred to in rule 74 and to the concerned non-governmental organizations having general or special consultative status or on the Roster.

IX. PUBLIC OR PRIVATE MEETINGS

Rule 39 (General principles)

Unless the Sub-Commission decides otherwise its meetings shall be held in public.

- * It was decided to consider the 1503 procedure (Council resolution 1503 (XLVIII)) in private meetings.
- + The Sub-Commission decided, without a vote (decision 1995/114), to earmark at least one closed meeting at its forty-eighth session, during which only the members of the Sub-Commission could take the floor, to enable the experts and their alternates to exchange views among themselves on various topics.

X. CONDUCT OF BUSINESS

Rule 40 (Quorum)

A majority of the members of the Sub-Commission shall constitute a quorum.

Guideline No. 13 (Schedule of meetings)

In accordance with established practice, meetings not devoted to the adoption of resolutions and decisions shall begin at the scheduled time. However, if a member so requests, the meeting may not be called to order until there is a quorum.

Rule 41 (General powers of the Chairperson)

1. In addition to exercising the powers conferred upon him or her elsewhere by these rules, the Chairperson shall declare the opening and closing of each meeting of the Sub-Commission, direct the discussions, ensure observance of these rules, accord the right to speak, put questions to the vote and announce decisions. The Chairperson, subject to these rules, shall have complete control of the proceedings of the Sub-Commission and over the maintenance of order at its meetings. He or she shall rule on points of order. He or she may propose to the Sub-Commission the closure of the list of speakers, a limitation on the time to be allowed to speakers and on the number of times each member may speak on an item, the adjournment or closure of the debate, and the suspension or adjournment of a meeting.
2. The Chairperson, in the exercise of his or her functions, remains under the authority of the Sub-Commission.

Rule 42 (Points of order)

1. During the discussion of any matter, a member may at any time raise a point of order, which shall be decided immediately by the Chairperson in accordance with these rules. A member may appeal against the ruling of the Chairperson. The appeal shall be immediately put to the vote, and the ruling of the Chairperson shall stand unless overruled by a majority of the members present and voting.
2. A member may not, in raising a point of order, speak on the substance of the matter under discussion.

Rule 43 (Speeches)

1. No one may address the Sub-Commission without having previously obtained the permission of the Chairperson. Subject to rules 42, 45 and 48 to 50, the Chairperson shall call upon speakers in the order in which they signify their desire to speak.
2. Debate shall be confined to the question before the Sub-Commission and the Chairperson may call a speaker to order if his or her remarks are not relevant to the subject under discussion.
3. The Sub-Commission may limit the time allowed to speakers and the number of times each member may speak on any question; permission to speak on a motion to set such limits shall be accorded only to two members favouring and to two opposing such limits, after which the motion shall be put to the vote immediately. Interventions on procedural questions shall not exceed five minutes unless the Sub-Commission decides otherwise. When debate is limited and a speaker exceeds the allotted time, the Chairperson shall call him or her to order without delay.

Guideline No. 14 (Order of statements)

1. Members of the Sub-Commission, at any time;

2. Observers for intergovernmental and non-governmental organizations;
3. Government observers.

Guideline No. 15 (List of speakers)

1. The list of speakers shall be opened at the beginning of the session for all items on the agenda. The closure of the list for each agenda item shall be announced as the work proceeds.

2. If, during a meeting, there are no more speakers on the agenda item, the next item shall be introduced without the discussion on the preceding item being closed.

Guideline No. 16 (Speaking time)

At the beginning of each session, the Chairperson shall invite participants to respect the speaking time allocated for each item in accordance with the following rules:

- (a) Members of the Sub-Commission:
 - (i) 20 minutes maximum, divided into one or several statements;
 - (ii) 35 minutes maximum, for the presentation of a study, to be divided by the author between the explanatory remarks and the conclusion.
- (b) Government observers:
 - (i) 10 minutes maximum (and 14 minutes in total if the item contains several sub-items);
 - (ii) 5 minutes maximum in connection with a right of reply or 3 minutes maximum in connection with a second right of rejoinder, as the case may be;
 - (iii) 5 minutes maximum for a statement to be exercised immediately before voting on a resolution when the country is implicated [a representative of the Government of such implicated country may make a statement immediately after voting instead of before voting: Chairperson's ruling during the forty-eighth session in 1996];
- (c) Non-governmental observers: 10 minutes maximum (and 16 minutes in total if the item contains several sub-items or in the case of a joint statement).

Supplement to guideline No. 16 (E/CN.4/Sub.2/1994/3, annex)

1. Speaking time

(a) As a guideline supplementary to guideline No. 16, maximum speaking time under agenda item 6 shall, for all observers, be determined by dividing equally the time allocated to observers by the number of speakers who have signed up before the closure of the list. The closure should be set at 18.00 hours on the day before the opening of the debate on agenda item 6. Should several observers on the list subsequently agree to make a joint statement, the time of the chosen speaker can be extended. Two meetings shall be allocated for the presentations by the observers referred to above.

(b) The rule under (a) also applies to government observers who wish to provide information on human rights developments in their country, provided they have signed up before the closure of the list mentioned. Government observers should normally avoid - under agenda item 6 - addressing human rights situations in countries other than their own.

(c) Speaking time for government observers exercising a right of reply is additional to time used by that observer Government under (b) and shall be a maximum of five minutes, unless the number and content of allegations directed against that Government warrant the allocation of more time, to be decided by the Chairperson at the request of the observer concerned. Rights of reply shall normally be made after the exhaustion of the list of speakers mentioned under (a), but can, in exceptional circumstances with the permission of the Chairperson, be made earlier.

2. Allocation of time and sequence of speaking

The allocation of time under agenda item 6 shall be based on the principle that observers on the list mentioned under point 1 (a) speak first, until the list is exhausted, followed by government observers exercising their right of reply. Members of the Sub-Commission should normally speak at the end, it being understood that government observers can also exercise their right of reply to statements made by members of the Sub-Commission.

Rule 44 (Closing of list of speakers)

During the course of a debate the Chairperson may announce the list of speakers and, with the consent of the Sub-Commission, declare the list closed. When there are no more speakers, the Chairperson shall, with the consent of the Sub-Commission, declare the debate closed. Such closure shall have the same effect as closure by decision of the Sub-Commission.

Guideline No. 15 (List of speakers)

1. The closure of the list for each agenda item shall be announced as the work proceeds.

2. If, during a meeting, there are no more speakers on an agenda item, the next item shall be introduced without the discussion on the preceding item being closed.

Supplementary guideline

1. (a) ... The closure [of the list of speakers] should be set at 18.00 hours on the day before the opening of agenda item 6 ...

Rule 45 (Right of reply)

The right of reply shall be accorded by the Chairperson to any government observer who requests it. Government observers should attempt, in exercising this right, to be as brief as possible and preferably to deliver their statements at the end of the meeting at which this right is requested.

Supplementary guideline (E/CN.4/Sub.2/1994/3, annex)

1. (c) ... Rights of reply shall normally be made after the exhaustion of the list of speakers mentioned under (a), but can, in exceptional circumstances with the permission of the Chairperson, be made earlier.

2. The allocation of time under item 6 shall be based on the principle that observers on the list mentioned under point 1 (a) speak first, until the list is exhausted, followed by government observers exercising their right of reply. Members of the Sub-Commission should normally speak at the end, it being understood that government observers can also exercise their right of reply to statements made by members of the Sub-Commission.

- + In its decision 1995/12 the Sub-Commission decided, *inter alia*, to adopt, on an experimental basis, the following ruling concerning its methods of work at its forty-eighth session: All statements in exercise of the right of reply will be made only at the end of the debate on each agenda item.

Rule 46 (Congratulations)

Congratulations to the newly elected officers shall be expressed only by the outgoing Chairperson or one of the Vice-Chairpersons designated by the outgoing Chairperson.

Rule 47 (Condolences)

Condolences shall be expressed solely by the Chairperson on behalf of all members. The Chairperson, with the agreement of the Sub-Commission, may dispatch a message on behalf of all members of the Sub-Commission.

Rule 48 (Suspension or adjournment of the meeting)

During the discussion of any matter, a member may at any time move the suspension or the adjournment of the meeting. No discussion on such motions shall be permitted, and they shall be put to the vote immediately.

Rule 49 (Adjournment of debate)

A member may at any time move the adjournment of the debate on the item under discussion. Permission to speak on the motion shall be accorded only to two members favouring and to two opposing the adjournment, after which the motion shall be put to the vote immediately.

Rule 50 (Closure of debate)

A member may at any time move the closure of the debate on the item under discussion, whether or not any other member has signified his or her wish to speak. Permission to speak on the motion shall be accorded only to two members opposing the closure, after which the motion shall be put to the vote immediately.

Rule 51 (Order of motions)

Subject to rule 42, the motions indicated below shall have precedence in the following order over all proposals or other motions before the meeting:

- (a) To suspend the meeting;
- (b) To adjourn the meeting;
- (c) To adjourn the debate on the item under discussion;
- (d) To close the debate on the item under discussion.

Rule 52 (Submission of proposals and substantive amendments)

Proposals and substantive amendments shall normally be submitted in writing to the Secretary-General. Unless the Sub-Commission decides otherwise, proposals and substantive amendments shall be discussed or put to the vote no earlier than 24 hours after copies have been circulated to all members.

Rule 53 (Withdrawal of proposals and motions)

A proposal or a motion may be withdrawn by its sponsor at any time before voting on it has commenced, provided that it has not been amended. A proposal or a motion thus withdrawn may be reintroduced by any member.

Rule 54 (Decisions on competence)

A motion calling for a decision on the competence of the Sub-Commission to adopt a proposal submitted to it shall be put to the vote before a vote is taken on the proposal in question.

Rule 55 (Reconsideration of proposals)

When a proposal has been adopted or rejected, it may not be reconsidered at the same session unless the Sub-Commission so decides. Permission to speak on a motion to reconsider shall be accorded only to two members opposing the motion, after which it shall be put to the vote immediately.

XI. VOTING AND ELECTIONS

Rule 56 (Voting rights)

Each member of the Sub-Commission shall have one vote.

Rule 57 (Request for a vote)

A proposal or motion before the Sub-Commission for decision shall be voted upon if any member so requests. When no member requests a vote, the Sub-Commission may adopt proposals or motions without a vote.

Rule 58 (Majority required)

1. Except as provided in rule 5 (4) (ii), decisions of the Sub-Commission shall be made by a majority of the members present and voting.
2. For the purpose of these rules, the phrase "members present and voting" means members casting an affirmative or negative vote. Members which abstain from voting are considered as not voting.

Rule 59 (Method of voting)

1. Except as provided in rule 66, the Sub-Commission shall normally vote by show of hands, except that a member may request a roll-call which shall be taken in the English alphabetical order of the names of the members of the Sub-Commission, beginning with the member whose name is drawn by lot by the Chairperson. The name of each member shall be called in all roll-calls, and he or she shall reply "yes", "no" or "abstention".
2. The vote of each member participating in any roll-call shall be inserted in the record.

- + In its decision 1989/101, the Sub-Commission decided to suspend rule 59 of the rules of procedure of the functional commissions of the Council, so as to allow for voting by secret ballot for decisions adopted at its forty-first session under Council resolution 1503 (XLVIII).
- + In its decision 1989/105, the Sub-Commission decided that, pursuant to rule 78 of the rules of procedure of the functional commissions of the Council, rule 59 of the same rules concerning the method of voting be provisionally suspended so that the voting be conducted by secret ballot, when any member so requests, concerning all decisions relating to the draft resolutions under item 6 of the agenda of the forty-first session.

- + In its decision 1990/105, the Sub-Commission decided to suspend temporarily rule 59 of the rules of procedure of the functional commissions of the Council for the purpose of protecting the independence of experts during the time necessary to vote on the draft resolutions under agenda item 6 of the forty-second session of the Sub-Commission.
- + In its decision 1990/111, the Sub-Commission decided, pursuant to rule 78 of the rules of procedure of the functional commissions of the Council, to suspend rule 59, so as to allow for voting by secret ballot, for the purpose of protecting the experts' independence when voting on proposals under Council resolution 1503 (XLVIII), agenda item 9, at the forty-second session.
- * In its decision 1991/103, the Sub-Commission decided that any vote on draft resolutions submitted under item 6 of the agenda pertaining to allegations of violations of human rights in countries should be by secret ballot.
- + In its decision 1992/105, the Sub-Commission decided, pursuant to Council resolution 1991/32, to vote on resolutions, decisions and any proposals of a substantive nature under agenda item 6 of its forty-fourth session by secret ballot, whenever a vote was requested thereon.
- * In its decisions 1993/106, 1994/110, 1995/106 and 1996/105, the Sub-Commission decided, pursuant to Council resolution 1991/32, to vote by secret ballot, whenever such a vote was requested, on proposals pertaining to allegations of violations of human rights in countries, including proposals of a procedural nature relating to proposals of a substantive nature.

Rule 60 (Explanation of vote)

Members may make brief statements consisting solely of explanation of their votes, before the voting has commenced or after the voting has been completed. The member sponsoring a proposal or motion shall not speak in explanation of vote thereon, except if it has been amended.

- # It has been an established practice as well as a logical consequence that members shall not speak in explanation of vote, either before or after voting, when the vote is made by secret ballot.

Rule 61 (Conduct during voting)

After the Chairperson has announced the commencement of voting, no member may interrupt the voting except on a point of order in connection with the actual process of voting.

Rule 62 (Division of proposals and amendments)

Parts of a proposal or an amendment shall be voted on separately if a member requests that the proposal be divided. Those parts of the proposal or the amendment which have been approved shall then be put to the vote as a whole; if all the operative parts of a proposal or an amendment have been rejected, the proposal or amendments shall be considered to have been rejected as a whole.

Rule 63 (Amendments)

An amendment is a proposal that does no more than add to, delete from or revise part of another proposal.

Rule 64 (Order of voting on amendments)

When an amendment is moved to a proposal, the amendment shall be voted on first. When two or more amendments are moved to a proposal, the amendment furthest removed in substance from the original proposal shall be voted on first and then the amendment next furthest removed therefrom and so on until all the amendments have been put to the vote. Where, however, the adoption of one amendment necessarily implies the rejection of another amendment, the latter shall not be put to the vote. If one or more amendments are adopted, the amended proposal shall then be voted on.

Rule 65 (Order of voting on proposals)

1. If two or more proposals, other than amendments, relate to the same question, they shall, unless the Sub-Commission decides otherwise, be voted on in the order in which they were submitted. The Sub-Commission may, after each vote on a proposal, decide whether to vote on the next proposal.

2. A motion requiring that no decision be taken on a proposal shall have priority over that proposal.

Rule 66 (Elections)

All elections shall be held by secret ballot, unless, in the absence of any objection, the Sub-Commission decides to proceed without taking a ballot on an agreed candidate or slate.

Rule 67

1. When one or more elective places are to be filled at one time under the same conditions, those candidates, in a number not exceeding the number of such places, obtaining in the first ballot a majority of the votes cast and the largest number of votes, shall be elected.

2. If the number of candidates obtaining such majority is less than the number of places to be filled, additional ballots shall be held to fill the remaining places.

Rule 68 (Equally divided votes)

If a vote is equally divided on a matter other than an election, the proposal or motion shall be regarded as rejected.

XII. PARTICIPATION OF NON-MEMBERS OF THE SUB-COMMISSION

Rule 69 (Participation of non-Member States)

Any State may send its representatives to public meetings of the Sub-Commission as government observers without the right to vote.

Rule 70 (Participation of national liberation movements)

Any national liberation movement recognized by or in accordance with resolutions of the General Assembly may send its representatives to public meetings of the Sub-Commission as observers without the right to vote.

Rule 71 (Participation of and consultation
with specialized agencies)

Any specialized agency may send its representatives to public meetings of the Sub-Commission as observers without the right to vote.

Rule 72

Not applicable to the Sub-Commission.

Rule 73

1. Where an item proposed for inclusion in the provisional agenda for a session or added to the agenda under rule 5 contains a proposal for new activities to be undertaken by the United Nations relating to matters that are of direct concern to one or more specialized agencies, the Secretary-General shall enter into consultation with the agencies concerned and report to the Sub-Commission on the means of achieving a coordinated use of the resources of the respective agencies.
2. When in the course of a meeting of the Sub-Commission a proposal for new activities to be undertaken by the United Nations related to matters that are of direct concern to one or more specialized agencies, the Secretary-General shall, after such consultation as may be possible with the representatives of the agencies concerned, draw the attention of the Sub-Commission to the implications of the proposal.
3. Before deciding on proposals referred to above, the Sub-Commission shall satisfy itself that adequate consultations have taken place with the agencies concerned.

Rule 74 (Participation of other intergovernmental organizations)

Any intergovernmental organization accorded permanent observer status by the General Assembly and of other intergovernmental organizations designated on a continuing basis by the Council may send its representatives to public meetings of the Sub-Commission without the right to vote.

XIII. CONSULTATION WITH AND REPRESENTATION OF
NON-GOVERNMENTAL ORGANIZATIONS

Rule 75 (Representation)

Non-governmental organizations having general or special consultative status may designate authorized representatives to sit as observers at public meetings of the Sub-Commission and its working groups. Those on the Roster may have representatives present at such meetings when matters within their field of competence are being discussed.

Rule 76 (Consultation)

1. The Sub-Commission may consult with organizations having general or special consultative status either directly or through a committee or committees established for the purpose. In all cases, such consultations may be arranged on the invitation of the Sub-Commission or at the request of the organization.

2. On the recommendation of the Secretary-General and at the request of the Sub-Commission, organizations on the Roster may also be heard by the Sub-Commission.

XIV. AMENDMENT AND SUSPENSION OF RULES OF PROCEDURE

Rule 77 (Method of amendment)

Only the Council may amend these rules.

Rule 78 (Method of suspension)

A rule of procedure may be temporarily suspended by the Sub-Commission provided that such suspension shall not be inconsistent with any applicable decisions of the Council and provided that 24 hours' notice of the proposal for suspension has been given, which may be waived if no member objects. Any such suspension shall be limited to a specific purpose and to a period required to achieve that purpose.

XV. PREPARATION OF STUDIES

Guideline No. 1 (Regulation of the number of studies)

1. When the number of ongoing studies entrusted to special rapporteurs reaches 13, no new study may be undertaken unless a previously authorized study has been completed, except when it has been requested directly by the Commission.

2. Any study whose final report has been submitted to the Sub-Commission for consideration, even if it is subsequently decided that it may be updated annually, for example, in the form of a periodic report, is considered to have been completed.

3. When the number of studies proposed for a decision exceeds 13 the members of the Sub-Commission should hold consultations in order to establish priorities.

Guideline No. 2 (Document preliminary to the studies)

1. No new study may be undertaken unless a document entitled "preparatory document" has been submitted. Such a document should indicate, *inter alia*, the relevance of the study, including its timeliness, its object and the general outlines envisaged as well as a draft timetable. It should take the form of a working paper a few pages in length, submitted if possible in the course of the session of the Sub-Commission during which the study is proposed.

2. The preparation of a preparatory document shall in no way prejudice the decision finally taken concerning the execution of the study or the person finally designated to carry it out.

- + In its decision 1996/113, the Sub-Commission, recalling Commission on Human Rights resolution 1996/25, believing that the Sub-Commission should consider carefully how to respond to the Commission's request and recognizing the need to initiate at its forty-eighth session one or more working papers so as to be able to select subjects for studies at later sessions, decided that at its forty-eighth session the Sub-Commission would not propose any new studies or reports, with the exception of working papers without financial implications and of those cases in which studies or reports were specifically recommended by a competent working group of the Sub-Commission.

Guideline No. 3 (Duration of studies)

1. Unless there are special circumstances connected with the nature of the subject under study, the period of time for carrying out a study should be three years from the time of its authorization. It should comprise, in addition to the preparatory document, the following three phases: a preliminary report, a progress report and a final report.

2. If at any time during his or her mandate the rapporteur considers that, as a result of difficulties encountered by him or her, he or she will need more than three years to complete his or her study, he or she should submit the question to the Sub-Commission for consideration in the context of the open debate on the agenda item in question.

Guideline No. 4 (Appointment of rapporteurs)

1. The specialized knowledge of the various members of the Sub-Commission should be taken into account when appointing rapporteurs, due regard being had

for equitable geographical distribution. The members of the Sub-Commission should hold consultations during the session to coordinate the topics of new studies and the appointment of the experts who will be responsible for them. To this end, the Rapporteur of the Sub-Commission shall be entrusted with the task of collecting proposals for studies that are made during the session and informing the Sub-Commission in due time, for the purpose of agreeing and deciding on them.

2. The duties of rapporteur are in principle exercised by members of the Sub-Commission.

3. When the rapporteur for an ongoing study is no longer a member of the Sub-Commission, he or she may not be retained in his or her post of rapporteur for more than one year after the date on which his or her mandate expires, unless the Sub-Commission decides otherwise.

- # It has been a practice of the Sub-Commission that, as a rule, alternates will neither be elected officers nor be nominated special rapporteurs.

Guideline No. 5 (Appointment of commentators)

1. The author of the study may appoint a maximum of two members of the Sub-Commission as commentators in order to undertake an in-depth analysis of the study, in liaison with its author, so as to be better able to draw the attention of the Sub-Commission, during its deliberations, to points that seem important or controversial.

2. When such an appointment is envisaged, it is desirable that it should take place at the session preceding the submission of the study or not later than the beginning of the session at which the study is submitted.

3. Such an appointment should in no way limit the right of any member of the Sub-Commission to comment, at any time under the agenda item being discussed, on the report submitted for consideration.

Guideline No. 6 (List of studies)

In accordance with established practice and in compliance with paragraph 3 of Commission resolution 1982/23, the Sub-Commission shall annex to its annual report an updated list of completed or ongoing studies containing the following information bearing appropriate symbol numbers:

- (a) Title of the study;
- (b) Name of the author;
- (c) Legislative authority;
- (d) Timetable for the study;
- (e) Effective date of presentation of the preliminary, interim (progress) or final report.

Guideline No. 7 (Follow-up of studies)

The secretariat shall inform the Sub-Commission, at each session, of the follow-up action on studies, in the form of a note indicating for each study the following points:

- (a) Title of the study, specifying, if necessary, whether or not the report is updated annually (periodic report);
- (b) Name of the author;
- (c) Reference to the decisions concerning the budgetary implications and an indication of the total amount; for each of these decisions, the total amount of the appropriations actually used after the completion of the appropriate phase of the study;
- (d) Summary of the most recent recommendation made by the author of the study; follow-up given to these recommendations, in respect of the rules, measures or practices adopted by the secretariat, by Governments, by the specialized agencies or by the institutions or non-governmental organizations concerned.

XVI. RESOLUTIONS AND DECISIONS

Guideline No. 8 (Number of resolutions and decisions)

In order to permit a better assessment of trends with regard to the number of resolutions and decisions and to promote self-discipline in order to reduce their number, the secretariat shall provide, at each session of the Sub-Commission, a comparative table for the previous three years showing the number of resolutions and decisions considered by category, as follows:

- (a) Resolutions and decisions concerning the Sub-Commission alone;
- (b) Resolutions and decisions submitted to the Commission on Human Rights for action or adoption, stating how many of them are also to be submitted to the Council for adoption;
- (c) Resolutions of whatever category concerning the human rights situation in a given country;
- (d) Resolutions and decisions concerning the submission of studies;
- (e) Resolutions and decisions whose adoption was deferred or which were withdrawn;
- (f) Solemn and consensus statements by the Chairperson;
- (g) Documents stating the financial implications of resolutions and decisions submitted in compliance with financial regulation 13.1 and rule 28 of the rules of procedure of the functional commissions of the Council.

Guideline No. 9 (Self-discipline)

At the beginning of each meeting, the Chairperson shall invite the secretariat to inform the Sub-Commission of the number of resolutions and decisions registered in order to promote self-discipline in this respect.

Guideline No. 10 (Co-sponsors)

If, when a draft resolution or decision is being submitted, the Chairperson notes that the signatures of at least four co-sponsors have not been obtained, he or she may, in consultation with the officers, invite the author or, if appropriate, the co-sponsors, to withdraw their draft. If the author or a single co-sponsor objects, the draft shall be kept on the agenda.

Guideline No. 11 (Consultations by the Chairperson)

Either during consultations prior to the submission of a draft resolution or decision or after its registration with the secretariat, the Chairperson, after consultation with the officers, shall ascertain whether it would be appropriate to invite all the parties involved in such consultations to replace the draft resolution or decision with a solemn and consensus declaration by the Chairperson meeting their approval and which would appear in extenso in the report of the Sub-Commission and in the summary record.

Guideline No. 12 (Deadline for submission of draft resolutions or decisions)

Without prejudice to the provisions of rule 52 of the rules of procedure of the functional commissions of the Council, draft resolutions and decisions should be submitted at least three working days before the date of which they are scheduled to be put to a vote. This deadline should be set at four days in cases involving financial implications.

XVII. HUMAN RIGHTS SITUATIONS [agenda item 6]

- + In its decision 1989/105, the Sub-Commission decided that, pursuant to rule 78 of the rules of procedure of the functional commissions of the Council, rule 59 of the same rules concerning the method of voting be provisionally suspended so that the voting can be conducted by secret ballot, when any member so requests, concerning all decisions relating to the draft resolutions under item 6 of the agenda of the forty-first session.
- + In its decision 1990/105, the Sub-Commission decided to suspend temporarily rule 59 of the rules of procedure of the functional commissions of the Council for the purpose of protecting the independence of experts during the time necessary to vote on the draft resolutions under agenda item 6 of the forty-second session of the Sub-Commission.
- * In its decision 1991/103, the Sub-Commission decided that any vote on draft resolutions submitted under item 6 of the agenda pertaining to allegations of violations of human rights in countries should be by secret ballot.

- + In its decision 1992/105, the Sub-Commission decided, pursuant to Council resolution 1991/32, to vote on resolutions, decisions and any proposals of a substantive nature under agenda item 6 of its forty-fourth session by secret ballot, whenever a vote was requested thereon.
- * In its decisions 1993/106, 1994/110, 1995/106 and 1996/105, the Sub-Commission decided, pursuant to Council resolution 1991/31, to vote by secret ballot, whenever such a vote was requested, on proposals pertaining to allegations of violations of human rights in countries, including proposals of a procedural nature relating to proposals of a substantive nature.
- + In its decision 1995/112, the Sub-Commission decided, inter alia, to adopt, on an experimental basis, the following ruling concerning its methods of work at its forty-eighth session: denunciations of cases of violations of human rights and specific accusations made under item 6 cannot be repeated under another item of the agenda.

Supplement to guideline No. 16 (E/CN.4/Sub.2/1994/3, annex)

1. Speaking time

(a) As a guideline supplemental to guideline No. 16, maximum speaking time under agenda item 6 shall, for all observers, be determined by dividing equally the time allocated to observers by the number of speakers who have signed up before the closure of the list. The closure should be set at 1800 hours on the day before the opening of the agenda item 6. Should several observers on the list subsequently agree to make a joint statement, the time of the chosen speaker can be extended. Two meetings shall be allocated for the presentations by the observers referred to above.

(b) The rule under (a) also applies to government observers who wish to provide information on human rights development in their country, provided they have signed up before the closure of the list mentioned. Government observers should normally avoid - under agenda item 6 - addressing human rights situations in countries other than their own.

(c) Speaking time for government observers exercising a right of reply is additional to time used by that observer Government under (b) and shall be a maximum of five minutes, unless the number and content of allegations directed against that Government warrant the allocation of more time, to be decided by the Chairperson at the request of the observer concerned. Rights of reply shall normally be made after the exhaustion of the list of speakers mentioned under (a), but can, in exceptional circumstances with the permission of the Chairperson, be made earlier.

2. The allocation of time under agenda item 6 shall be based on the principle that observers on the list mentioned under point 1 (a) speak first, until the list is exhausted, followed by government observers exercising their

right of reply. Members of the Sub-Commission should normally speak at the end, it being understood that government observers can also exercise their right of reply to statements made by members of the Sub-Commission.

- + In its decision 1994/117, the Sub-Commission decided, inter alia, that, at its forty-seventh session, on an experimental basis, item 6 would be considered as soon as the agenda was approved.
- + In its decision 1995/113, the Sub-Commission decided that, in the light of the good results of the consideration of agenda item 6 at the beginning of the session, it would continue the practice and consider item 6 at its forty-eighth session starting on the day following the adoption of the agenda.

XVIII. 1503 PROCEDURE [agenda item 9]

- # It was decided by the Council that consideration of procedure provided for in its resolution 1503 (XLVIII) shall be made in private meetings.
- + In its decision 1989/101, the Sub-Commission decided to suspend rule 59 of the rules of procedure of the functional commissions of the Council, so as to allow for voting by secret ballot for decisions adopted at its forty-first session under Council resolution 1503 (XLVIII).
- + In its decision 1990/111, the Sub-Commission decided, pursuant to rule 78 of the rules of procedure of the functional commissions of the Council, to suspend rule 59, so as to allow for voting by secret ballot, for the purpose of protecting the experts' independence when voting on proposals under Council resolution 1503 (XLVIII), agenda item 9, at the forty-second session.
- * In its decision 1991/104, the Sub-Commission decided to concur with the view expressed by the Working Group on Communications that the procedure governed by Council resolution 1503 (XLVIII) could not be applied as a reparation or relief mechanism in respect of claims of compensation for human suffering or other losses which occurred during the Second World War.

II. PROCEDURAL QUESTIONS TO BE RESOLVED BY THE SUB-COMMISSION

A. General questions

1. Agenda items

- Should more agenda items be discussed biennially?
- Should some agenda items be discussed triennially?

2. Subjects

- In order to avoid any possible overlapping, should subjects which may better be discussed by other international bodies or organizations be excluded from consideration by the Sub-Commission, e.g. nuclear tests, landmines (Disarmament); labour conditions (ILO)?
- Should subjects relating to the violation of human rights which took place prior to the coming into force of the Charter of the United Nations be brought up in the Sub-Commission? (Note that in its decision 1991/104, the Sub-Commission concurred with the view of the Working Group on Communications that the 1503 procedure could not be applied as a reparation in respect of claims of compensation for human suffering or other losses which occurred during the Second World War.)
- Should a subject be brought up under more than one agenda item, e.g. women, minorities, indigenous peoples, etc.?

3. Documentation

- Should the secretariat be requested to send documents, inter alia the annotated agenda, to the members at least one month prior to each session?
- Should the secretariat be requested to send studies, working papers, etc. in the original language to those members who understand that language as soon as they have been printed, without waiting for them to be translated into the other official languages?
- Should the secretariat be requested to send to each member studies, working papers, etc. translated into the official language he/she shall designate as soon as that version is available, without waiting for the simultaneous distribution of all the language versions?
- Should studies, working papers, etc. distributed during a session be considered at that session, or only at the following or later session?

4. Secret ballot

- In order to ensure the true independence of the members, should all votes be taken by secret ballot whenever a vote is requested? (Note that secret ballots have already been taken with respect to items 6 and 9 pursuant to decisions 1992/105 and decisions 1993/106, 1994/110 and 1995/106, respectively.)

5. Non-governmental organizations

- In the light of the continuous increase in the number of NGOs participating in the sessions of the Sub-Commission, should the number of NGO representatives be restricted to five, equivalent to the number of government representatives at the General Assembly?

- In order to maintain security at the meetings of the Sub-Commission, should NGO representatives be required to carry identification cards with their photograph?
- Should NGO representatives be permitted to refer to a specific Government when speaking under agenda items other than item 6 (see Chairperson's 1996 ruling).

B. Specific questions

1. Agenda item 6

- Should allegations relating to the same subject made by different NGOs under the same agenda item, in particular item 6, be regulated?

2. Agenda item 9

- In order to save the time and energy of the members, and the money of the United Nations, should the quantity of documents relating to the "Communications" be reduced by streamlining the "communications" and the "government replies"?
